

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

MARIA BELLO	§	PLAINTIFF
	§	
v.	§	Civil Action No. 1:05CV445LG-RHW
	§	
QUINCY DUPLESSIS, ET AL.	§	DEFENDANTS

**ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS AND
DISMISSING PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 41(b)**

THIS CAUSE COMES BEFORE THE COURT upon the Defendants' Amended Third Motion to Dismiss filed October 19, 2006, and Second Amended Third Motion to Dismiss filed November 2, 2006. Defendants move to dismiss the above captioned cause pursuant to FED. R. CIV. P. 41(b) and 37(b). On February 6, 2006, the Court permitted counsel for the Plaintiff to withdraw and Plaintiff was directed to either retain substitute counsel or inform the Court that she intended to proceed *pro se*. As of this date, there has been no appearance by substitute counsel and the docket reflects that Plaintiff has failed to abide by numerous Court orders, including failure to participate in two scheduled Telephonic Case Management Conferences. Finally, Plaintiff has not tendered a response to any of the Defendants' Motions to Dismiss. Plaintiff was admonished in the Court's November 2, 2006, order that "failure to respond to this show cause order may result in dismissal of her lawsuit." [43-1]

A district court may dismiss an action for failure of a plaintiff to prosecute or to comply with any order of court. *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). The Court will therefore exercise its discretion to dismiss this case pursuant to FED. R. CIV. P. 41(b) for Plaintiff's failure to prosecute and to comply with the Court's orders. Alternatively,

Defendants' Motions to Dismiss may be granted as unopposed pursuant to Rule 7.2(C)(2) of the UNIFORM LOCAL RULES FOR THE NORTHERN AND SOUTHERN DISTRICTS OF MISSISSIPPI.

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendants' Amended Third Motion to Dismiss filed October 19, 2006, [41-1] and Defendants' Second Amended Third Motion to Dismiss filed November 2, 2006, [42-1] should be and are hereby **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's complaint against the Defendants is dismissed pursuant to FED. R. CIV. P. 41(b). All other pending motions are hereby rendered moot.

SO ORDERED AND ADJUDGED this the 23th day of November, 2006.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE